



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

December 13, 2005

Wells

Mayor Lowry called the meeting to order at 7:30 pm.

**PRESENT:** Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Tom Robinson, and Judee Wells.

**EXCUSED:** Councilmember Aaron Sharp.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Chuck Thulin, WABA; Sylvia Hobbs and Karen Scott, Planning Commission; Hank Heckendorn, Julie Finnell, Jens Molbak, Blair Carleton, Gail D'Alessio.

**MINUTES:** Councilmember Rose moved to approve the November 8, 2005 minutes as written. Councilmember Robinson seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **CLERK'S REPORT:**

**HUITT-ZOLLARS BILLINGS:** Clerk-Treasurer Spens reported that she was concerned about the cost of inspections on the first bill from our new building-services provider, Huitt-Zollars, which are unusually high due to charges for travel time and mileage from Puyallup. She added that Hunts Point and Yarrow Point are also concerned about these costs and that the three cities have met with Carl Stixrood of Huitt-Zollars to voice those concerns. Huitt-Zollars is looking into hiring a local inspector and other cost-saving measures. Clerk-Treasurer Spens will continue to monitor the situation and report on results.

**HANSON GARAGE:** Clerk-Treasurer Spens reported that the Hanson family will be selling Harold Hanson's home in the very near future. She reminded all that the garage associated with this home sits on Town ROW and was allowed to do so by mutual consent of the Town and the family until the property was sold. Helen Lewis and Sylvia Hobbs have suggested the Town look into taking possession of the garage and using it to store records rather than requiring the new owners to demolish it. She asked if the Council has any interest in pursuing this option and if they had any ideas about how to proceed. It was the consensus of the Council that Clerk-Treasurer Spens find out more about how the structure sits on the ROW and discuss options with Town Attorney Stewart.

**COTTAGE HOUSING COMMITTEE:** Clerk-Treasurer Spens reported that she received a letter from Joann Bromberg regarding the findings of the Cottage Housing committee after its meeting with the Planning Commission and that the memo is included for the Council's information.

**WARRANTS:** Councilmember Robinson moved to approve the December 13, 2005 warrant

list, including warrant numbers 6877 through 6911 (including numbers 6895 and 6896 voided for errors) in the amount of \$22,005.67. Councilmember Rose seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**MARSHAL'S REPORT:** Mayor Lowry reported on behalf of Town Marshal Kyle Branum that a recent report of mail theft was a false alarm. A discussion of the status of placement of a USPS blue collection box in the vicinity ensued. Clerk-Treasurer Spens reported that she is working with a party at the Bellevue Main Post Office to establish a location for a new collection box along 108<sup>th</sup> Ave SE. Mayor Lowry added that if discussions with the USPS do not pan out, the Town can look into purchasing a private collection box and locate it within the Village where we want it.

**WATER REPORT:** No report.

**WABA REPORT:** WABA representative Chuck Thulin reported that WABA has prepared an annual budget to present to the membership at the Winter Dinner. He added that this budget includes funding for paving on the South Beach Road and work on a master plan for the beach and WABA forest. He noted that WABA members will receive a small refund of this year's special assessment as a credit toward their 2006 regular assessment.

He also reported that WABA had been asked about their recent tree plantings on the beach and the potential for impact on neighboring property owners and their views and that WABA will act on the request in January. Councilmember Rose reiterated his concerns that WABA has not been giving notice of its activities, including meeting dates and locations, planned plantings, etc.

Mr. Thulin reported that Jim Airy's term as president and his (Mr. Thulin's) term as vice-president end this year and that Joann Bromberg and Kyle Branum have been nominated as potential replacements.

**EMERGENCY PREPAREDNESS:** Nothing to report. Mayor Lowry commented that he plans to take the HAM radio class offered by the Seattle Yacht Club.

**PLANNING COMMISSION DISCUSSION:** Karen Scott and Sylvia Hobbs of the Planning Commission asked the Council for some time to discuss a couple of issues with the Council. Ms. Scott began by outlining some of her concerns with the current zoning code as recently amended, particularly that:

1. it does not allow minor intrusions into the setbacks, e.g. eaves, bay windows, and porches, and
2. existing non-conforming structures must seek a variance to remodel even if the plans do not increase the non-conformity.

She noted that these two restrictions are very unusual for the area and that she believes they may discourage owners from preserving many of the older homes. She also noted that she realizes the protocol is for the Planning Commission to get the Council's approval before tackling any changes in land-use regulations and asked that the Council consider giving that approval now.

MOTION: Councilmember Wells moved to authorize the Planning Commission to review Ms. Scott's suggested changes and determine if such changes would indeed encourage preservation of older homes. Councilmember Robinson seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Wells moved to direct the Planning Commission to review the issue of allowing minor intrusions into setbacks. Councilmember Rose seconded. On discussion, Councilmember Rose asked if Councilmember Wells had any specific perspective in mind. Councilmember Wells answered that she feels eaves are important for protecting homes and their foundations and feels our ordinance may be out of the norm by subjecting them (eaves) to our setback requirements.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MOLBAK APPEARANCE: Jens Molbak and Blair Carleton appeared before the Council and read a letter into the record asking that the May 2005 minutes be amended. They explained that the minutes, as written, may lead a reader to believe that the Molbaks had threatened the Town with a lawsuit over the construction of the wall on their property, which is not the case. Mayor Lowry asked the Council to review the Molbak's letter and the May 2005 minutes and discuss what remedial action, if any, is needed at the January meeting.

**PROPOSED RESOLUTION NO. 228 RECOGNIZING MAYOR LOWRY'S SERVICE TO THE TOWN:** Councilmember Rose introduced a resolution recognizing Mayor Chuck Lowry for his service to the Town on the occasion of his final Council Meeting as Mayor by reading the text for the record.  
MOTION: Councilmember Rose moved to adopt Resolution No. 228 recognizing Mayor Lowry's service to the Town. Councilmember Wells seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

A copy of the resolution signed by all members of the Council was presented to Mayor Lowry. Councilmember Wells took a moment, as Mayor-elect, to present framed aerial photos of the Town with service-recognition plaques to Mayor Lowry and to outgoing Councilmembers Betty Heckendorn and John Rose.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 337 AMENDING THE 2005**

**BUDGET:** Mayor Lowry opened the public hearing at 8:35pm. Clerk-Treasurer Spens outlined the reasons for this budget amendment, primarily because:

1. the cost of providing building services exceeded expectations again in 2005, and
2. the water department experienced unanticipated problems with the float switch in the water tank, which resulted in maintenance expenditures in excess of the amount budgeted.

Mayor Lowry asked for any comments from the public. As there were none, he closed the public hearing at 8:40pm.

MOTION: Councilmember Robinson moved to pass Ordinance No. 337 amending the 2005 Budget. Councilmember Rose seconded.  
Vote: 4 For, 0 Against, 0 Abstain.

**PROPOSED ORDINANCE NO. 338 ADOPTING THE 2006 BUDGET:** Clerk-Treasurer Spens explained that she prepared this ordinance based on revisions suggested at the November Council meeting.

MOTION: Councilmember Rose moved to pass Ordinance No. 338 adopting the 2006 Budget. Councilmember Robinson seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Rose commented that this budget meets the Council's guidelines for a balanced budget and that he believes the Town's finances are in excellent shape.

**HEDGE AT 106<sup>TH</sup> PL SE AND SE 29<sup>TH</sup> STREET:** Mayor Lowry reported that he had tried to contact the property owner adjacent to this hedge to discuss options for further trimming but had not been successful. He added that he sees two issues for this hedge:

1. Safety. Because of the size and height of this hedge, visibility at this intersection is impacted. Also, pedestrians cannot pass on the hedge side of the street safely, because it grows to the edge of the pavement.
2. Road damage. Because drivers swing wide of the hedge to avoid brushing against it, the edge of the roadway is experiencing increased damage.

It was the consensus of the Council that these reasons are sufficient to look into removing or relocating the hedge from the Town right of way; however, no action will be taken until the Council can discuss the situation with the adjacent property owner. Councilmember Rose also suggested that if the Town does pursue removing the hedge in the near future, that the property owner be reimbursed for her portion of the hedge trimming that was recently completed.

**PROPOSED ORDINANCE NO. 339 IMPOSING AN ADDITIONAL 1/4% EXCISE TAX ON THE SALE OF REAL ESTATE WITHIN THE TOWN:** Clerk-Treasurer reminded the Council that this issue was tabled at the November meeting so that she could collect a list of proposed capital projects needing funding. She referred the Council to a list prepared by the Town's previous building-service provider, The McAndrews Group, outlining a number of tasks that the Town should tackle and dated August 28, 2001. She noted that, of the tasks listed, only Task 3 to update the Town's Shorelines Management Ordinance remains outstanding and eligible for capital funding. She added that the estimated cost for this project is probably about \$8,000 to \$12,000.

After some discussion, Councilmember Rose commented that the Council had decided last month to look at our long-term capital-funding needs and make a decision based on those needs. He noted that, based on the Town's limited need for additional capital funding at this time, he does not believe it is appropriate to enact this tax at this time. It was the consensus of the Council to table further discussion of this issue until the Town's capital-funding needs change.

**PROPOSED ORDINANCE NO. 340 IMPOSING A HEAVY TRUCK FEE ON CERTAIN CONSTRUCTION PROJECTS:** Clerk-Treasurer noted that the ordinance language was amended based on recommendations at the November Council meeting. She

added that because the previous proposed ordinance was not passed, this ordinance will now be Ordinance No. 339.

**MOTION:** Councilmember Heckendorn moved to pass Ordinance No. 339 imposing a heavy truck fee on certain construction projects in the Town. Councilmember Robinson seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED RESOLUTION NO. 228 SETTING FEES FOR VARIOUS SERVICES AND PERMITS IN THE TOWN:** Clerk-Treasurer Spens reminded the Council that this resolution was tabled last month while we decided on the fate of the Heavy-Truck Fee Ordinance. She noted that the only fee changes contained in this resolution are the addition of the heavy truck fee and the inclusion of a building-permit-fee table consistent with the table in the Uniform Building Code

**MOTION:** Councilmember Robinson moved to adopt Resolution No. 229 setting fees for various services and permits in the Town. Councilmember Wells seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

**POLICE ACTIVITY ON 106<sup>TH</sup> PL SE:** Councilmember Wells reported that her street experienced some police activity due to trucks blocking the street while unloading materials.

Councilmember Rose stated it has been an honor to serve the Town and expressed his concern about the lack of communication among residents and the decline in interest of the residents to serve as volunteers in various capacities.

Mayor Lowry also commented that he had enjoyed his years of service on the Council and as Mayor.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council the January meeting is scheduled for January 10th and will be held at Tom Robinson's house.

**ADJOURN:** Councilmember Wells moved to adjourn the meeting at 10:00 pm. Councilmember Rose seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer